

60



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,865	02/15/2001	Jennie Ching	1914P/STL920000089US1	4574

7590 01/26/2005

SAWYER LAW GROUP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,865

Applicant(s)

CHING ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-15 remain pending for examination.

Response to Applicant' Remarks

2. Applicant's arguments filed 9 August 2004 have been fully considered but they are not persuasive for the following reasons: In response to applicant's argument on pages 6 and 7, that "determining within the central site which of the files needs to be sent to each of the plurality of remotes sites." It submitted that Bell discloses the task of creating the flat files from the database of change can be distributed across these available resources (see col. 2, lines 38-48).

In response to applicant's argument on page 9, paragraph 1, that "Bell, even when taken with Gayman, wholly fails to teach, show, or suggest the present invention as recited in the independent claims 1 and 10", the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bell fails to explicitly disclose the claimed providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. However, Gayman discloses the claimed provides a cyclic multicasting of an

Art Unit: 2162

image file from a central data provider (see Gayman col. 11, line 60 to col. 12, line 4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bell and Gayman with providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. Such modification would allow the teachings of Bell and Gayman to provide a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network with minimum network transmission while allowing any number of client machines (workstations) to download the image file at any time without the need to synchronize with the beginning of the file transmission of the central data provider (server). In particular, cyclic multicasting permits a remote workstation to perform validations by incorporating many disks which are transferred from the central server as often as needed. System updates over a computer network also become significantly less time consuming (see Gayman col. 11, line 60 to col. 12, line 4).

With respect to Applicant's argument that "Bell does not disclose providing a list of files by a central site," Examiner disagrees. This is a mischaracterization of Examiner's statement. See Office Action, page 4 of Paper number 5. The statement made by the Examiner is "Bell does not explicitly disclose steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites." The allegation made by the Applicant(s) is incorrect.

In response to applicant's argument on page 9, that "Bell, even when taken with Gayman, wolly fails to teach, show, or suggest the present invention as recited claims 1

Art Unit: 2162

and 10,” the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Furthermore, it is submitted that Bell discloses “a method of synchronizing files between a central site and a plurality of remote sites” as a database synchronization system indicated generally at, a plurality of remote database system is connected via communications line to a central database stored on a central (see col. 3, lines 15-19) comprising the steps of: (b) “reporting which of the files are missing by each of the plurality of remote sites to the central site” as a database on a remote computer is corrupted during a database transaction the remote computer can access the audit trail files to roll the database back to a stable point free of corruption (see col. 3, lines 51-63); further, in column 7, lines 2-5, Bell discloses if communication line fails during the transfer of flat files, in which flat files are saved on the remote computers and are resent by the remote computers; and

(c) “determining within the central site which of the files needs to be sent to each of the plurality of remote sites” as a method for synchronizing the content of a central database stored on a central computer with the content of a remote database stored on a remote computer, processing the contents of the first database of change into a format suitable for transfer to the central database stored on the central computer;

Art Unit: 2162

restarting the processing of the audit trail files to create a second database of change stored on the remote computer; and transferring the processed contents of the first database of change to the central database stored on the central computer (col. 7, lines 47-65). Bell does not explicitly disclose steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. However, Gayman discloses provides a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network (see Gayman col. 11, line 60 to col. 12, line 4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bell and Gayman with steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. Such modification would allow the teachings of Bell and Gayman to improve the accuracy and the reliability of the method and system for the file synchronization between a central site and plurality of remotes, to provide a distributing system updates over a computer network (see Gayman col. 1, lines 33-34).

MPEP 2111 Claim Interpretation: Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter

Art Unit: 2162

from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,758,150 issued to Bell ("hereinafter Bell") in view of U.S. Pat. No. 6,256,673 issued to Gayman ("hereinafter Gayman").

As per claims 1 and 10, Bell discloses "a method of synchronizing files between a central site and a plurality of remote sites" as a database synchronization system indicated generally at, a plurality of remote database system is connected via communications line to a central database stored on a central (see col. 3, lines 15-19) comprising the steps of: (b) "reporting which of the files are missing by each of the plurality of remote sites to the central site" as a database on a remote computer is corrupted during a database transaction the remote computer can access the audit trail files to roll the database back to a stable point free of corruption (see col. 3, lines 51-63); further, in column 7, lines 2-5, Bell discloses if communication line fails during the transfer of flat files, in which flat files are saved on the remote computers and are resent by the remote computers; and

(c) "determining within the central site which of the files needs to be sent to each of the plurality of remote sites" as a method for synchronizing the content of a central database stored on a central computer with the content of a remote database stored on

Art Unit: 2162

a remote computer, processing the contents of the first database of change into a format suitable for transfer to the central database stored on the central computer; restarting the processing of the audit trail files to create a second database of change stored on the remote computer; and transferring the processed contents of the first database of change to the central database stored on the central computer (col. 7, lines 47-65). Bell does not explicitly disclose steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. However, Gayman discloses provides a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network (see Gayman col. 11, line 60 to col. 12, line 4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bell and Gayman with steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. Such modification would allow the teachings of Bell and Gayman to improve the accuracy and the reliability of the method and system for the file synchronization between a central site and plurality of remotes, to provide a distributing system updates over a computer network (see Gayman col. 1, lines 33-34).

As per claims 2 and 11, Bell discloses "utilizes a file system synchronization (FSS) helper application" as a database synchronization system capable of efficiently synchronizing z central database with one or more remote databases during periods of heavy transaction activity on the remote databases and the central database (see col. 2, lines 7-10).

Art Unit: 2162

As per claims 3 and 12, Bell discloses “utilizes a file system synchronization remote site operation mechanism” as a database synchronization system capable of efficient synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database (see col. 2, lines 7-10).

As per claims 4 and 13, Bell discloses “utilizes an automated central site operation mechanism” as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database (see col. 2, lines 7-10).

As per claims 5, 8, 9 and 14, Bell discloses “wherein the list of files comprises a loadlist” (see col. 6, lines 39-41).

As per claims 6 and 15, Bell discloses “wherein each of the files in the loadlist are date and time stamped” as the fields of transaction table include the transaction identification number, start time, end time and completion code for each database transaction made to the databases associated with remote computers during the time period covered by the audit trail file processed by migratory application (see col. 5, lines 8-19).

Art Unit: 2162

As per claim 7, in addition to claim 1, Bell further discloses "a central site, the central site including a file system synchronization (FSS) helper application and an automated central site operations (ACSO) mechanism for transmitting the list of files" as a database synchronization system capable of efficiently synchronizing a central database with one or more databases during periods of heavy transaction activity on the remote databases and on the central database (see col. 2, lines 7-10); further, in column 4, lines 25-28, Bell discloses to maintain the synchronization of the central database in central computer, database of change of each of remote computers must be transmitted periodically to central computer; a

"at least one the remote site" (see fig. 1, col. 3, lines 16-19), "the at least one remote site including a file system synchronization remote operating mechanism (FSS RSO)" as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during of heavy transaction activity on the remote databases and on the central database (see col. 2, lines 7-10).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2162

CONTACT INFORMATION


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6606.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

January 15, 2004


SHAHID ALAM
PRIMARY EXAMINER